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ON PETITION

In re Application of
Youichi Akasaka et al.
Application No. 10/824,402
Filed: April 15, 2004
Attorney Docket No. 250980US8DIV

This is a CORRECTED decision on the petition filed August 14, 2008, to withdraw the holding of abandonment under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513. The decision on petition dated September 4, 2008 and sent via email notification on September 6, 2008 is hereby vacated.

The petition under 37 CFR 1.181(b) is **GRANTED**.

This application became abandoned August 8, 2007 for failure to file a timely reply to the Notice to File Corrected Application Papers mailed June 7, 2007, which set a 60 day period for reply. No response having been filed, a Notice of Abandonment was mailed November 6, 2007.

Petitioner, a participant in the "E-Office Action Pilot Program", argues that the Miscellaneous Office Communication issued by the U.S. Patent and Trademark Office (USPTO) with the mail date of June 7, 2007 was not received either by electronic mail or U.S. Postal Mail.

A review of USPTO records confirms that the "e-Office Action applicant" was not timely notified for the office action dated June 7, 2007. In view thereof, the holding of abandonment is withdrawn. No petition fees are due and none have been charged.

This application is being forwarded to the Technology Center 3653 for a re-mailing of the Notice to File Corrected Application Papers originally dated June 7, 2007 and for a restarting of the period for response.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

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